GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:1997
ANSWERED ON:28.07.2016
Anti-Defection Law
Reddy Shri Y. S. Avinash

Will the Minister of LAW AND JUSTICE be pleased to state:

a) whether the Government is aware that the implementation of Anti-Defection Law has not been very effective in curbing the instances of switching over of Legislators to different political parties;
(b) if so, the details thereof and the reasons therefor; and
(c) the steps taken/being taken by the Government to curb the instances of defections from the political parties?

Answer

ANSWER

MINISTER OF STATE FOR LAW AND JUSTICE AND ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI P. P. CHAUDHARY)

(a) to (c): Tenth Schedule of the Constitution provides for the prevention of defection of the elected/nominated members from their political party. Paragraph 6 of the said Schedule provides that where a question arises as to whether a member of a House has become subject to disqualification, such a question shall be referred for the decision of the Chairman or, as the case may be, the speaker of such House and his decision shall be final. However, it is stated that no such specific instance has come to the notice of the Government reporting the shortcoming of existing Anti-defection Law in meeting out its goal. The Anti-defection Law do contain stringent provisions for curbing the menace of switching over of legislators.